

<p style="text-align: center;"><b>TITLE V PUBLIC WORKS</b> <b>CHAPTER 50: RECYCLING AND TRASH COLLECTION</b></p>
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FAYETTEVILLE CODE OF ORDINANCES  
TITLE V PUBLIC WORKS

**CHAPTER 50: RECYLING AND TRASH COLLECTION**

**ARTICLE I  
GENERAL PROVISIONS**

**50.01 Definitions**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Biodegradable bag.* A bag capable of being decomposed by natural micro-organic processes, to be used for the disposal of yard waste; and having a capacity of no more than thirty-five gallons.

*Brush.* Shrubbery, bush, and tree trimmings under three inches in diameter.

*Bulk brush.* Brush, under three inches in diameter, that is cut in lengths of four feet or less and tied in bundles that one person can handle.

*Bulky waste.* Items too large for collection in city-issued residential garbage carts, such as appliances, furniture, large limbs, etc. Customers should contact the Recycling and Trash Collection for specific requirements.

*Commercial service.* The collection and removal of garbage and trash from any establishment other than single-family residences, duplexes or multi-family complexes. Commercial service shall include, but not be limited to: office buildings, private institutions, professional buildings, restaurants, or as otherwise determined by the Recycling and Trash Collection Manager.

*Curbside.* The edge of the public roadway directly in front of a residence. On corner lots curbside may be construed as the edge of the roadway directly alongside of the residence. In areas where garbage and trash collection is provided along alleys, curbside shall refer to the edge of the pavement of said alley. In either case, placement shall be no more than six feet from the public roadway. Garbage and trash placed at curbside must not impede the flow of traffic on the roadway or public sidewalk in any way.

*Exemption to curbside.* Exemption to the mandatory curbside placement of garbage and trash will be granted to persons who are disabled to the extent that they cannot reasonably meet the curbside requirement, and that have no one residing on premises greater than 12 years of age that can meet the requirement for them.

*Garbage.* All waste accumulations of animal, fruit, or vegetable matter that attend the preparation, use, cooking, dealing in, or storage of meat, fowl, fish, fruits, or vegetables, tin cans, or other containers originally used for food stuffs. The term "garbage" shall not include mineral wastes or manufacturing or processing wastes.

*Garbage disposal area.* A place or places designated by the city for the purpose of disposing of refuse, including incinerator and other dumping areas.

*Limbs.* Tree trimmings over three inches in diameter.

*Person.* Any individual, firm, or corporation.

*Premises.* Any flat, dwelling, rooming house, apartment house, hospital, school, hotel, club, restaurant, boardinghouse, eating place, shop, church, place of business, manufacturing establishment, courthouse, jail, city hall, post office or other building.

*Recycling and Trash Collection Manager.* The Manager of Recycling and Trash Collection.

*Residential multi-family service.* The collection and removal of garbage and trash from all residential multi-family complexes of three or more units, mobile home parks, or as otherwise determined by the Recycling and Trash Collection Manager.

*Residential single-family/duplex service.* The collection and removal of garbage and trash from all single-family residences and duplexes located on public roadways within the City of Fayetteville, or as otherwise determined by the Recycling and Trash Collection Manager. Collection of garbage and trash from residents on private roadways will be at the discretion of the city. The city shall only collect garbage and trash contained in city-issued carts and bags with the appropriate city permit sticker attached.

*Sanitation service.* The collection, removal, and disposal of waste, refuse, garbage, trash, and rubbish; the insecticidal fogging and/or spraying performed by the city; animal control and such other functions contained herein that are necessary for the preservation of health, safety, and welfare of the community.

*Specialized customer.* A customer that requires specialized services for the collection of garbage and trash and/or cardboard recycling that the city cannot provide.

**Trash.** All nonputrescible solid wastes, consisting of both combustible and noncombustible wastes such as paper, cardboard, glass, crockery, excelsior, cloth and similar materials. The term "trash" shall not include mineral waste or manufacturing or processing wastes.

(Code 1965, §10-1; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Ord. No. 3581, 12-3-91; Ord. No. 3755, §1, 2, 12-21-93; Ord. No. 3842, §1, 11-16-94; Ord. No. 4111, §§ 1-3, 8-4-98; Ord. No. 4341, 10-2-01; Ord. No. 4415, § 1, 2, 9-17-02; Code 1991, §50.01; Ord. 5565, 02-19-13; Ord. 5691, 6-03-14)

**State law reference(s)**--Solid Waste Management Act, A.C.A. §8-6-201 et seq.

## **50.02 Recycling and Trash Collection To Administer Collection And Removal**

(A) In order, among other functions, to satisfactorily collect and remove garbage and trash and accomplish the other purposes of this chapter, there is hereby created a Recycling and Trash Collection for the city.

(B) The Recycling and Trash Collection shall be under the direction of the Recycling and Trash Collection Manager who in turn is subject to the general direction of the mayor.

(Code 1965, §10-2; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.02; Ord. 5691, 6-03-14)

## **50.03 Dumping Prohibited; Garbage Disposal Areas**

Dumping within any area within the city, except garbage disposal areas as defined by §50.01, is prohibited.

(Code 1965, §10-6; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.03)

**Cross reference(s)**--Penalty, §10.99.

## **50.04 Depositing On Vacant Lots**

It shall be unlawful for any person to dump, throw or otherwise deposit any garbage or trash or accumulations of the same on any vacant lot in the city.

(Code 1965, §10-12; Ord. No. 1194, 4-6-59; Code 1991, §50.04)

**Cross reference(s)**--Penalty, §10.99.

## **50.05 Depositing On Streets, Alleys, Or Sidewalks**

It shall be unlawful for any person to throw, place, dump, litter, or otherwise deposit any garbage,

trash, or refuse upon any public street, alley, or sidewalk of this city, except in receptacles placed upon such streets, alleys or sidewalks with approval of the city Recycling and Trash Collection Division.

(Code 1965, §10-13; Ord. No. 1149, 10-14-57; Ord. No. 1194, 4-6-59; Code 1991, §50.05; Ord. 5691, 6-03-14)

**Cross reference(s)**--Penalty, §10.99.

## **50.06 Burning Of Garbage And Trash**

It shall be deemed a violation of this Code for any person to burn trash or garbage except in incinerators that have been approved by the County Health Department, Recycling and Trash Collection, and Fire Department of the city.

(Code 1965, §10-17; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.06; Ord. 5691, 6-03-14)

**Cross reference(s)**--Penalty, §10.99.

## **50.07-50.19 Reserved**

# **ARTICLE II COLLECTION PROCEDURE**

## **50.20 Service Requirements**

(A) *Commercial service.*

(1) *Containers required.* Each owner, occupant, tenant, or lessee using or occupying any house, building, structure or portion thereof shall provide and maintain containers of sufficient number and size to contain the garbage and/or trash that will accumulate on the premises. This obligation begins upon issuance of a certificate of occupancy or upon actual occupancy. In the case of multiple dwellings or multiple occupancy, this duty shall be upon the owner of the premises. Said containers shall be covered at all times except when refuse is being placed in or removed from them. The city shall not be required to remove garbage or other litter not placed in containers or that is placed on top of or around the containers.

(2) *Container specifications.* Such containers shall meet specifications and be of such size as set forth by the Recycling and Trash Collection Manager, and shall be compatible for automated commercial collection by city vehicles. Containers of volume less than two cubic yards shall be issued through the city for a purchase price of container cost plus taxes and delivery charges.

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- (3) *Maintenance of containers.* It shall be the duty of such person to replace unserviceable containers and to keep them clean at all times. Notice of unserviceable or unsanitary condition of containers will be served upon such person by the city, at which time such person shall take prompt action to correct the existing conditions.
- (4) *Location of containers.* The placement and location of containers for commercial service and for apartments and apartment buildings shall be negotiated between the user and the Recycling and Trash Collection Manager. The city assumes no liability for the loss of items placed on or near the containers; the owner and/or occupant assumes the risk of loss of such items. Further, the city assumes no responsibility for lost or stolen containers.
- (B) Residential single-family/duplex service and Residential multi-family service.
- (1) *Residential garbage carts required.* Each owner, occupant, tenant, or lessee of any house, building, structure or portion thereof in the city limits shall obtain containers from the City of Fayetteville of sufficient size, as determined by the Recycling and Trash Collection Manager, to contain garbage and/or trash. This obligation begins upon issuance of a certificate of occupancy or upon actual occupancy. Customers receiving residential single-family/duplex service shall use only the residential garbage carts provided by the city. Customers receiving residential multi-family service shall only use the garbage or trash container provided by the city. The City shall only collect garbage and trash placed in residential garbage carts and containers or bags with the appropriate city permit sticker attached.
- (a) *Additional garbage bag pickup.* On the collection day, an additional garbage bag (not to exceed 35 gallons in capacity, or 50 pounds in weight), with an attached city permit sticker may be left beside the garbage cart, and shall be picked up without additional charge. Each residential garbage cart customer shall receive four free city permit stickers per year.
- (b) *Additional collection.* Residential customers may request additional garbage cart collection by appointment.
- Again, trash shall be placed in the garbage cart, and an additional bag, not to exceed 35 gallons in capacity, may be placed beside the garbage cart. An additional collection fee of \$6.00, plus the actual disposal cost based on carts size, shall be billed to the customer at the next billing cycle. Bags placed outside of the garbage cart without city permit stickers shall not be collected.
- (2) *Location of residential garbage carts.* Residential garbage carts shall be placed at a single collection point within three feet of the curb, street, or alley line, where applicable, by 6:00 a.m. on mornings regularly scheduled for garbage and trash collection, provided however, that garbage carts shall not be placed at the curb, street, or alley more than 12 hours before regular pickup, and shall be removed within 12 hours thereafter. Alternate collection points may be specified at the discretion of the city.
- (3) *Exemptions.* Residential customers who wish to apply for an exemption of the required location of residential garbage carts may contact the Recycling and Trash Collection for an application. Final determination of exemption status shall be made by the Recycling and Trash Collection Manager, or his designated representative.
- (4) *Rental property cart service.* Rental property owners listed on major owner list maintained by the City of Fayetteville Business Office, shall be permitted 10 days of service immediately following the vacation of the rental property for  $\frac{1}{3}$  the normal monthly rate for the cart at the residence. The landlord shall be responsible to contact the Recycling and Trash Collection if the cart is discovered missing during cleanup activities. The landlord shall be responsible for the cart during these 10 days and shall be required to contact the Recycling and Trash Collection to arrange for cart pickup.
- (5) *Storage/maintenance.* Residential garbage carts shall be stored and maintained in a manner not likely to create a fire hazard, provide nesting space for rodents and other vermin, or breeding sites for insects.
- (C) *Yard waste.* Only biodegradable bags, as defined herein, shall be acceptable for the disposal of yard waste.

- (D) *Determining Classification of Required Service.* Certain properties have mixed-uses or otherwise have certain specific conditions, lease agreements between the landlord and tenant, land ownership arrangements, geography, topography, street layout, sidewalk access, private drive conditions, access and/or general layout of structures or individual units, or number thereof, particularly multi-family residential buildings, or cottage developments, or a combination of any of the above, which make the provision of the service the property would otherwise qualify for impossible or impractical to provide. In such circumstances, the Recycling and Trash Collection Manager shall make an objective determination, based on the above-listed factors and other factors which directly bear on the provision of recycling and trash collection service, as to whether a particular customer must be served by commercial service, residential single-family/duplex service or residential multi-family service.

(Code 1965, §10-3; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Ord. No. 3581, 12-3-91; Ord. No. 3842, §2, 11-16-94; Ord. No. 4111, §4, 8-4-98; Ord. No. 4270, 9-5-00; Ord. No. 4341, 10-2-01; Ord. No. 4415, §3, 9-17-02; Code 1991, §50.20; Ord. 5565, 02-19-13; Ord. 5691, 6-03-14)

**Cross reference(s)**--Penalty, §10.99.

## **50.21 Access To Garbage And Trash Containers**

- (A) In the event that an exemption to curbside placement of garbage and trash is granted, it shall be incumbent upon the tenants, lessees, occupants, or owners of the premises where garbage or trash is generated to provide a safe and convenient entrance to and through the premises for the purposes of collecting same.
- (1) All vicious animals shall either be confined, or garbage and trash containers placed at a point where collectors may service same without attack from said animals.
- (2) Where commercial collections are made from alleys and access ways, said approaches shall be maintained in such manner as not to be a hazard to Recycling and Trash Collection personnel or equipment.
- (B) Failure to comply with the provisions of this section after notification by the Recycling and Trash Collection will result in discontinuance of service until such condition is corrected.

(Code 1965, §10-4; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-

19-68; Ord. No. 3581, 12-3-91; Code 1991, §50.21; Ord. 5691, 6-03-14)

**Cross reference(s)**--Penalty, §10.99.

## **50.22 Placing Garbage And Trash In Same Receptacle; Wet Garbage**

- (A) Garbage and trash may be placed in the same garbage receptacle, provided that all the provisions contained in this chapter are complied with.
- (B) No liquid garbage shall be deposited with any garbage or trash. Kitchen garbage and any or all wet garbage shall be drained of all moisture and wrapped in paper before being placed in the garbage receptacle provided for in this chapter.

(Code 1965, §§10-7, 10-8; Ord. No. 1194, 4-6-59; Code 1991, §50.22)

**Cross reference(s)**--Penalty, §10.99.

## **50.23 Bulk Brush Collection And Disposal Service**

- (A) Bulk brush collection service is provided on a call basis to residential service customers, not to commercial service customers, and is not to be construed as a service to remove wood, building debris, and the like, as defined in §50.24. The removal of such items is the responsibility of the owner, occupant, tenant, or lessee. Bulk brush collection from residential service customers shall be scheduled as other work permits.
- (B) Bulk brush should be placed at curbside, as defined in §50.01, clear of any power lines, gas meters, or other hazards, no earlier than 24 hours before their scheduled pickup.
- (C) Residents, businesses and nonresidents may bring brush to the city's composting facility for disposal.

(Code 1965, §10-9; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Ord. No. 3755, §5, 12-21-93; Code 1991, §50.23)

## **50.24 City Not Obligated To Collect And Remove Construction Refuse And Wood**

This chapter shall not in any way require nor obligate city employees or city trucks to collect and remove refuse or debris resulting from construction on property where buildings are being repaired, remodeled, razed, or are under construction, nor to collect and remove wood and limbs resulting from the removal of trees on private property, nor to clean out incinerators, nor to render any other service unless

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specifically provided for in this chapter.

(Code 1965, §10-10; Ord. No. 1194, 4-6-59; Code 1991, §50.24)

### **50.25 Collection And Removal Of Mineral, Manufacturing And Processing Wastes**

Mineral, manufacturing or processing wastes to include sawdust and like residue, shall not be considered garbage or trash as defined or outlined in this Code. The service of collecting, removing, and disposing of mineral, manufacturing or processing waste to include sawdust and like residue shall not be rendered by the city Recycling and Trash Collection, unless a written contract between the owner, occupant, tenant, or lessee desiring the service and the city has been negotiated.

(Code 1965, §10-11; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.25; Ord. 5691, 6-03-14)

### **50.26 Bulk Hauling**

Failure to comply with the provisions of §50.20, resulting in special or additional garbage or trash service will result in additional charges to the user at the rate specified in §§50.40 through 50.45.

(Code 1965, §10-14; Ord. No. 1619, 8-19-68; Code 1991, §50.26)

### **50.27 Separation, Collection, Or Removal Of Materials At Disposal Grounds**

All junk and other materials placed on the city disposal grounds shall be the property of the city, and no person shall be allowed to separate, collect, carry off or dispose of same, except under the written direction of the mayor.

(Code 1965, §10-15; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.27)

**Cross reference(s)**--Penalty, §10.99.

### **50.28 Application Of Collection And Removal To Service Outside City Limits**

If garbage and trash collection and removal service by the city is extended to include owners, occupants, tenants, or lessees of residences, commercial, public, or private institutions, business establishments, or any other buildings or structures occupied or used for any other purpose not herein stated, and located outside the corporate limits of the city, such service shall be subject to all the provisions of this chapter.

(Code 1965, §10-16; Ord. No. 1194, 4-6-59; Code 1991, §50.28)

### **50.29 Private Collectors; Contract With**

### **City Required**

No person, except a duly authorized agent or employee of the city, shall empty garbage or trash receptacles, or convey or transport garbage or trash on the streets or public thoroughfares of the city, without a written contract with the city.

(Code 1965, §10-46; Ord. No. 1194, 4-6-59; Code 1991, §50.29)

**Cross reference(s)**--Penalty, §10.99.

### **50.30 Bulky Waste/Community Cleanups**

(A) *Bulky waste pickup.* Each customer shall be entitled to one bulky waste pickup per year. Customers shall arrange for bulky waste pickup by contacting the Recycling and Trash Collection to reserve a collection date. Mobile home parks and apartment complexes consisting of four or more units shall not be eligible.

(B) *Community cleanups.*

(1) *City-wide Earth Week cleanup.* During Earth Week of each year, customers may dispose of normal residential waste at the Recycling and Trash Collection Facility free of charge.

(2) *Neighborhood association/ward cleanups.* Each City Council ward shall be eligible for up to four community cleanups per year, provided however, that each cleanup shall be coordinated by at least one neighborhood association, under the sponsorship of both of the ward's alderperson(s). The city shall collect everything except normal residential garbage and hazardous waste free of charge.

(Ord. 4415, §4, 9-17-02; Code 1991, §50.30; Ord. 5691, 6-03-14)

### **50.31-50.39 Reserved**

## **ARTICLE III COLLECTION CHARGES; BILLING**

### **50.40 Rates For Services**

(A) *Residential single-family/duplex service.* Garbage and trash shall be collected from residential single-family/duplex customers one time each week for the following rates:

Fayetteville Code of Ordinances

*Garbage/Trash User Fee Schedule*

Container Volume	Fixed Fee	Graduated Volume Fee	Cart replacement	Monthly Rate
32	\$6.13	\$2.19	\$0.43	\$8.75
64	\$6.13	\$6.68	\$0.54	\$13.35
96	\$6.13	\$12.13	\$0.70	\$18.96

- (1) There shall be no charge for the collection of residential yard waste.
  - (2) Residential single-family/duplex service customers shall receive bulk collection at no charge one time per year.
  - (3) If a residential single-family/duplex customer wishes to exchange to a larger residential garbage cart size, the customer shall be assessed a twenty dollar (\$20.00) cart exchange fee. No fee shall be assessed for customers wishing to exchange to a smaller cart.
  - (4) The Garbage/Trash User Fee shall be adjusted annually based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor, unless specifically waived by City Council resolution.
- (B) *Residential multi-family service.* Trash shall be collected from residential multi-family customers one time each week at a rate of \$9.25 per dwelling unit per month unless the owner of the multi-family complex requests greater volume/frequency of service than the minimum required service as determined by the Recycling and Trash Collection Manager. Additionally, when recycling service is provided to a residential multi-family service customer, an additional rate of \$0.95 per dwelling unit per month shall apply. When requests for greater volume/frequency of service by an owner are made, rates shall be determined by the prevailing commercial service rate divided by the number of dwelling units.
- (C) *Commercial service.* Trash shall be collected from commercial customers as shown below.

- (1) The monthly commercial rate shall be:

*Commercial User Fee Schedule*

Commercial Container Size	Rate Per Pickup
95 Gallon Cart	\$15.90
2 cubic yards	\$32.76
4 cubic yards	\$65.52
6 cubic yards	\$98.28
8 cubic yards	\$131.04

- (2) Commercial 95 gallon carts have a maximum of four pickups per week, Monday through Thursday. Larger commercial containers shall be serviced a minimum of once per week and a maximum of six times per week, Monday through Saturday, except authorized holidays for City employees and unavoidable inclement weather.
- (3) The rate for providing extra collection of any 95 gallon cart shall be twice the monthly collection rate based on the number of collections per week as established by §50.40(B)(1). The rate for providing extra collection of any commercial loadall type container shall be \$8.19 per cubic yard.
- (4) The rate for providing cardboard and paper recycling service shall be \$8.19 per cubic yard.
- (5) Container rental is a flat fee per month.

*Container Rental/Dumpster Lease Fee Schedule*

Container Size (Cubic Yards)	Monthly Rate
2 yd	\$12.89
4 yd	\$14.73
6 yd	\$17.14
8 yd	\$20.24

- (6) A residential multi-family complex office shall pay an additional \$0.95 per month to its recycling and trash collection bill as if it were an individual unit when the residential multi-family complex is receiving recycling service.
- (D) *Loadall type container service.* The monthly rate for one pickup per week for any commercial establishment using loadall type containers for collection of garbage shall be \$16.38 per cubic yard collected.
- (E) *Commercial Recycling.* Limited commercial recycling is offered per the table below.



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Size	Once Per Week
4 yd cardboard	\$32.76
6 yd cardboard	\$49.14
8 yd cardboard	\$65.52
4 yd paper	\$32.76
18 gal recycle bin (up to five bins)	\$5.88

### (F) Use of composting facility.

- (1) Businesses, including commercial landscapers and tree trimmers, and nonresidents that bring brush to the City's composting facility for disposal will be charged as follows:

Composting User Fee Schedule	
Size	Rate
Compact pickup trucks	\$5.00
Full size pickup trucks	\$8.00
Trailers up to 14 feet long	\$10.00
Trailers greater than 14 feet long	\$15.00

(Code 1965, §§10-28, 10-29, 10-29.1; Ord. No. 1194, 4-6-59; Ord. No. 1443, 4-26-65; Ord. No. 2587, 12-18-79; Ord. No. 2751, 8-18-81; Ord. No. 2767, 10-20-81; Ord. No. 2855, 9-21-82; Ord. No. 2886, 1-18-83; Ord. No. 3626, 8-4-92; Ord. No. 3755, §§3, 4, 12-21-93; Ord. No. 3841, §1, 11-16-94; Ord. No. 3842, §3, 11-16-94; Ord. No. 3993, §§1-5, 9-17-96; Ord. No. 4111, §5, 8-4-98; Ord. No. 4349, 11-6-01; Ord. No. 4382, 3-19-02; Ord. No. 4415, §5, 9-17-02; Code 1991, §50.40, Ord. 4457 §50.40, 01-21-03; Ord. 4765, 09-20-05; Ord. 5278, 10-05-09; Ord. 5299, 12-15-09; Ord. 5470, 12-20-11; Ord. 5565, 02-19-13; Ord. 5691, 6-03-14)

### 50.41 Rates For Service Outside City Limits

In the event garbage and trash collection and removal service is rendered by the city for buildings, structure or premises located outside the corporate limits of the city, as provided for in §50.28, the monthly charge for such service shall be as prescribed in §50.40(A) and (B), plus 50%.

(Code 1965, §10-30; Ord. No. 1194, 4-6-59; Code 1991, §50.41)

### 50.42 Higher Rate To Control In Case Of Uncertainty, Contradiction Or Duplication

In case of uncertainty, contradiction or duplication of rates prescribed in this article, the higher rate shall control.

(Code 1965, §10-31; Ord. No. 1194, 4-6-59; Code 1991, §50.42)

**State law reference(s)** Rate schedules -Greater or

lesser rate not to be charged, A.C.A. § 23-4-107.

### 50.43 Adjustment Of Rates; Exemptions

Appeal for adjustment of rates for charges prescribed by this article may be directed in writing to the Recycling and Trash Collection Manager and the mayor. Appeal from their decision shall be directly to the City Council, and shall be in writing and filed with the city clerk within 30 days of the date written notice of the decision of the Recycling and Trash Collection Manager and the mayor is given. Exemptions from sanitation charges may be granted by the City Council upon written request only, for a just cause.

(Code 1965, §10-32; Ord. No. 1194, 4-6-59; Ord. No. 1619, 8-19-68; Code 1991, §50.43; Ord. 5691, 6-03-14)

### 50.44 Billing; When Payment Due

The billing for services hereby provided shall be included in the bill rendered monthly to each user of city water, or such services may be billed by any other practicable means of collection. All bills for services shall be rendered in the net amount due. Bills are due and payable on or before the 20th day following the billing date stated on the bill.

(Code 1965, §10-33; Ord. No. 1194, 4-6-59; Ord. No. 1443, 4-26-65; Ord. No. 1555, 7-17-67; Ord. No. 1619, 8-19-68; Ord. No. 3739, §1, 11-16-93; Code 1991, §50.44)

### 50.45 Delinquent Accounts

- (A) In the event that the billing for services provided for herein are not paid by the due date on the bill, they shall be considered delinquent and an additional charge of 10% of the total bill shall be levied. Such penalty shall become a part of and be collected with the regular billing for services heretofore levied. Said penalty may be waived for elderly or handicapped utility customer pursuant to a penalty waiver program approved by the City Council.

- (B) Termination of service. The city shall discontinue service in accordance with §51.140, water billing procedures.

(Code 1965, §10-34; Ord. No. 1194, 4-6-59; Ord. No. 1443, 4-26-65; Ord. No. 1555, 7-17-67; Ord. No. 3739, §2, 11-16-93; Code 1991, §50.45)

**State law reference(s)**--Termination of water service, A.C.A. §14-229-103.

### 50.46 Service Deposits

A service deposit shall be made with each application for service. The service deposit shall be retained in trust, without interest, by the city's finance division. When service to the depositor is discontinued

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permanently, said service deposit shall be applied to the final billing and the remainder, if any, returned to the depositor.

(A) All consumers that receive water service and have made a service deposit on the dwelling in accordance with §51.135 shall not be required to make an additional service deposit as required by this section.

(1) The service deposit made under §51.135 shall include an adequate amount to cover all services received at the dwelling.

(2) Any service deposit covered under §51.135 shall follow all requirements as prescribed in said section.

(B) All consumers that have not made a service deposit in accordance with subsection (A) above, shall be required to make a minimum service deposit of \$50.00, or that equal to the highest one-month bill, whichever is greater.

(1) The service deposit amount required may be increased up to 2½ times the estimated maximum bill, as determined by the water and sewer services superintendent, or his designated agent, if the customer has a history of delinquent payment or nonpayment of his bill. Increased service deposits may be required of all consumers whether residential, commercial, or industrial.

(2) Each customer shall be required to make an additional \$10.00 service deposit each time the service is discontinued for nonpayment of their water bill.

(C) The water and sewer services superintendent, or his official representative, may waive such service deposit requirements as may be considered justified in the opinion of said superintendent or his official representative.

(1) In determining whether a service deposit may be waived, the water and sewer services superintendent, or his official representative, shall take into consideration property ownership, credit experience with the consumer, payment record of the consumer, and status of current service deposit(s) the consumer presently has active with the city on other utility accounts.

(D) The water and sewer services superintendent, or his/her official representative, shall determine with each application for service whether the

service deposit shall be paid at the time of application, or if said deposit may be billed to the consumer, in part or in whole, on the first month's billing or spread over several months' billings.

(1) In determining the required method of payment for the service deposit, the water and sewer services superintendent, or his/her official representative, shall take into consideration property ownership, credit experience with the consumer, payment record of the consumer, and status of current service deposit(s) the consumer presently has active with the city on other utility accounts.

(Ord. No. 3739, §3, 11-16-93; Code 1991, §50.46)

## **50.47-50.99 Reserved**